

MINUTES OF THE MEETING OF THE
BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Thursday, December 8, 2005 at 12:30 p.m. at the Supreme Court Chambers in Wilmington. The meeting was open to the public. Notice of the meeting had been posted. The members of the Conference in attendance were:

Members of the Electronic News Media:

Chris Carl
Micheline Boudreau
John Dearing (by teleconference)
Peg Brickley

Members of the Print News Media:

Greg Burton for David Ledford
Randall Chase
Rita Farrell

Members of the Bench:

Justice Jack B. Jacobs
Judge Thomas L. Ambro

Members of the Bar:

Eugene H. Bayard, Esquire (by teleconference)
David G. Culley, Esquire

The first agenda item was the approval of the draft minutes from the February 9, 2005 meeting, as amended, and the October 25, 2005 meeting of the Conference. Upon motion, which was duly seconded, the minutes of each meeting were unanimously approved.

Under Old Business, Rita Farrell reported: (1) the Conference was awaiting the report on the Courtroom Connect coverage of the Disney trial in the Court of Chancery, (2) the Bar-Bench-Media web site was being updated and (3)

Administrative Directive No. 155 permitting expanded electronic media coverage of trial court proceedings had been extended indefinitely. Rita further reported that the Access Subcommittee had received a copy of the Supreme Court's contract with LexisNexis for e-filing and was awaiting copies of the Court of Chancery's and Superior Court's contracts with LexisNexis. Larry Lewis of the Department of Justice was working with LexisNexis and the courts to provide redacted copies of their two contracts to protect any proprietary information.

On the proposed Workshop on Reporters Covering the Courthouse, Rita said that she would like to have a press person file for a grant from the National Center for the Courts and Media. Micheline Boudreau agreed to follow up with the group. The Conference would like this group to underwrite the cost of the proposed Workshop.

Rita mentioned that she had contacted the Conference members from the Electronic News Media and Print News Media about their continued interest in and willingness to serve as Conference members. The current members of both groups wish to continue serving. The membership of the Bench remains intact. The Bar membership needs to be contacted. Dave Culley said that he would contact the Bar members about continued service. If a new Bar member is to be appointed, a lawyer from the State of Delaware, Department of Justice should be considered.

The Conference discussed the openness of some Supreme Court Justices, including Chief Justice Roberts to expanded electronic coverage of United State Supreme Court proceedings. The recent Supreme Court case on eminent domain was of great interest to the public. However, the media did not get to the legal reasoning of the case in their coverage. It was thought that the Workshop for court reporters gain a more complete understanding of the courts, court decision and court processes. Don Brown, Dave Culley and Claire DeMatteis will look into the possibility of holding a Workshop. Betsy McGeever who is the in coming DSBA President thought the Workshop concept was a good idea and that DSBA meeting space in which to hold the Workshop would be available. The Workshop would be a tutorial for the media on how the courts operate and how judges and lawyers think about issues. One of the goals of the Workshop will be to discuss how to put the courts' decisions and legal issues into layman's language for public consumption while respecting the integrity of the legal principles. Teaching the law to the media will not be a goal of the Workshop.

As to the expanded electronic coverage of the trial court proceedings, Micheline

and Greg indicated that there were good, positive discussions with the Court of Chancery on covering hearings in that Court. A case involving a University of Delaware fraternity and a case concerning opening Family Court proceedings to the public were potential cases for expanded electronic coverage in December. It was noted that the Courtroom Connect coverage of the Disney Trial may have impeded access to those proceedings since a private vendor was providing coverage and charging on a pay per view basis.

A brief discussion ensued concerning the electronic media's access to court proceedings in New Jersey. The process seems to work well, and the trial judges have the discretion to stop coverage. John Dearing said that the coverage of courtroom proceedings would rarely be 24/7 coverage, but rather it would be spot coverage of openings, closings and select witnesses because of limited media resources.

The Access Subcommittee will meet in January after doing some groundwork on access issues. The goal is to develop a briefing on access issues to present to the Conference. One of the issues to be developed is the unintended consequences of e-filing. It appears that there is little public access to the information contained in the LexisNexis e-filing system. There appears to be a need for 12 to 15 public passwords from LexisNexis at no charge for public access purposes. The Register in Chancery has asked LexisNexis for additional public passwords. Courtroom Connect is the public access provider. It was suggested by Justice Jacobs that the Conference could contact Justice Ridgely about any e-filing concerns. Justice Jacobs will call Justice Ridgely and give him a heads up on the issue of putting public access in the same posture as before the onset of e-filing.

The final item of business was selecting a next Conference meeting date. The Conference will meet on Wednesday February 8, 2006 at 12:30 p.m. in the Supreme Court Conference Room in Wilmington. Lunch will be provided. An agenda and draft minutes will be transmitted prior to the meeting date.

The meeting adjourned at 1:37 p.m.

Respectfully Submitted,

February 1, 2006